

RECEIVED
JUL 31 2023
CLERK, U.S. DISTRICT COURT
ANCHORAGE, AK

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District of Alaska	
Name (under which you were convicted): Jayson Sterling Robinson		Case No.: 3:23-cv-00172-JMK	
Place of Confinement: Anchorage Correctional Complex - West 1300 E 4th Ave Anch AK 99501		Prisoner No.: 567725	
Petitioner (include the name under which you were convicted) Jayson Sterling Robinson		Respondent (authorized person having custody of petitioner) v. Attorney General for the State of Alaska Superior Court for the State of Alaska at Anchorage Alaska Department of Corrections	

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

Superior Court for the State of Alaska at Anchorage

- (b) Criminal docket or case number (if you know): 3AN-21-03533CR

2. (a) Date of the judgment of conviction (if you know): to be determined

(b) Date of sentencing: I am in pretrial stage right now

3. Length of sentence: there is a 6 year offer I believe to be excessive

4. In this case, were you convicted on more than one count or of more than one crime? ☐ Yes ☐ No

5. Identify all crimes of which you were convicted and sentenced in this case:

the allegations include Assault 3, Theft 4 and Electric Monitor Violations

6. (a) What was your plea? (Check one)

☒ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

I am attempting to raise affirmative defenses that would excuse the behavior detailed. Right now my attorney Kyle Barber is not obtaining evidence in my favor. During a representation hearing Judge Easter ordered a psychological evaluation that is interfering with my access to courts and right to due process. Right now the entered pleas are not guilty.

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☐ Judge only there hasn't been a trial yet I believe my right to a speedy

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing? trial has been violated.

☒ Yes ☐ No I've attempted to although I am often ordered to remain silent as I am subjected to ineffective counsel forcibly

8. Did you appeal from the judgment of conviction?

☐ Yes ☐ No there is no conviction at this stage

9. If you did appeal, answer the following:

(a) Name of court: Superior Court for the State of Alaska Third Judicial District at Anchorage

(b) Docket or case number (if you know): unassigned

(c) Result: my writ of Habeas Corpus was returned with a copy sent to Kyle Barber

(d) Date of result (if you know): within the last two weeks (7-5-23 - 7-19-23)

(e) Citation to the case (if you know):

(f) Grounds raised: Violation of Constitutional Rights as detailed in the Bill of Rights Amendment I ~~Amendment IV~~ Amendment V Amendment VI Amendment VIII

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: It was written on a post it that the writ of Habeas Corpus that a copy was sent to Alaska Court of Appeals and I sent the

(2) Docket or case number (if you know): paperwork to Avril Haines at the White House

(3) Result: I called the Appeals section and they say they have no record of it

(4) Date of result (if you know): (7-5-23 - 7-19-23)

(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☒ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

as previously described as well as letters
to Judge Catherine Easter in the Superior
Court for the State of Alaska Third Judicial District
at Anchorage. I also filed an Attorney Grievance
Form with the Alaska Bar Association. In addition to
these documents are grievances with the Department of Corrections
that detail my struggle in obtaining evidence in my favor that are being unlawfully
withheld preventing me from properly presenting my defense. All of which, other than
the Attorney Grievance on Treg Taylor, Alaska's Attorney General, was contained in the
writ of Habeas Corpus packet that Alaska's Superior Court denied to process or file.
All within the last two weeks (7-5 to 7-19 of 2023) All in Kyle Barber's possession at
the Public Defender's Agency in Anchorage, Alaska (907) 334-4470

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result:

(8) Date of result (if you know):

(b) If you filed any second petition, application, or motion, give the same information:

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(c) If you filed any third petition, application, or motion, give the same information:

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No

(2) Second petition: ☐ Yes ☐ No

(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

I believe that I have made a valid attempt and at this point it seems my Constitutional Rights are not respected in a variety of manners indicative of a pattern of behavior that jeopardizes the processes intended to ensure these rights are properly maintained and respected.

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: During the court proceedings involved in 3AM-21-03533CR my first amendment rights were violated preventing me from objecting effectively and petitioning the government for a redress of grievances

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): During a representation proceeding I was ordered for a psychological examination and denied the opportunity to represent myself. As a result of the examination I was ordered to a seclusion period. During this phase I decided to issue a writ of Habeas Corpus that included the Department of Corrections grievances in which I was denied access to material evidence that would support the affirmative defenses of necessity and psychological disability. The fact that I don't represent myself is being utilized to silence me and prevent me from speaking to the courts in a manner necessary to achieve due process and a redress of grievances.

(b) If you did not exhaust your state remedies on Ground One, explain why:

I believe I have

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: *I believe I have*

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: *writ of habeas corpus*

Name and location of the court where the motion or petition was filed:

Superior Court for the State of Alaska Third Judicial District at Anchorage

Docket or case number (if you know): *unassigned, they sent it back, denied to process and a copy was*

Date of the court's decision: *(7.5 to 7.19 of 2023) given to Kyle Barber (907) 334-4470*

Result (attach a copy of the court's opinion or order, if available):

denied process

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

The courts advise me that my attorney is the only party capable of such action and my attorney is not willing to take measures necessary to accomplish this task.

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: I've attempted to write letters to the judge and file the motions to raise defense with the courts. I've also written to American Civil Liberties Union and when I tried to represent myself my disabilities were utilized to prevent me from any further action

GROUND TWO: As a result of orders issued in 3AN-21-03533CR my liberty has been deprived in violation of my fifth amendment right as described in the bill of rights in the United States Constitution. Denial to process my motions, refusal to file my petition and stopping me from representing myself deprive me of due process.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Maybe I mean the fourteenth amendment. My intended assertion is that due process in my case is not being afforded. It is unfair that Alaskan statutes subject defendants with mental disabilities to complex requirements and extended periods of incarceration even in the event that they are found not guilty by reason of insanity unless they are proficient enough in the law to know to assert conditions detailed in AS § 12.47.090 to have been found by Dr. Gregory Lobb unable to assist in my own defense and then having Judge Easter comment on, "devices available to order mandatory medication" put me in fear of imminent danger of physical injury. In my history I have been subjected to torchfous application of pepper spray while handcuffed naked under the stream of scalding hot water in a secured shower cell as observed by Probation Officer Little with Anchorage Correctional Complex and the events surrounding my current incarceration seem to be going in the same direction. Having witnessed the physical violence involved in mandatory medication gives me cause for concern. Some of the convictions in my history were achieved to escape the confinement exposing me to torture

(b) If you did not exhaust your state remedies on Ground Two, explain why:

I believe I have

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: writ of Habeas Corpus

Name and location of the court where the motion or petition was filed:

Superior Court for the State of Alaska Third Judicial District at Anchorage

303 K Street Anchorage Alaska 99501

Docket or case number (if you know): denied to process

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? *I tried to* ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

This is all pretty complex and in order to properly address these issues I requested assistance with an application for commodities through an Americans with Disabilities Act form that hasn't been returned so I wrote to the state representative David Newman (907) 375-7716

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you :

have used to exhaust your state remedies on Ground Two *I filed complaints with the Ombudsman and I wrote a letter to the Professional Conduct Unit. I wrote a letter to Substance Abuse and Mental Health Services Administration and to Catherine Easter. I also attempted to apply for Executive Clemency with Michelle Garner.*

GROUND THREE: *My 6th Amendment Constitutional Right to a speedy and public trial has been violated by these events without my consent and I have been denied an opportunity to obtain witnesses in my favor by the counsel I've been assigned. I've also been denied when requesting to represent myself*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

After realizing what was taking place I asked the judge if I could write to her and she advised against it stating that she would have to provide the prosecution with the documents. I would prefer for Braden Seward to be aware of the history I survived to accomplish a safer community and the witnesses I'm hoping to subpoena will be able to provide testimony that shows the risks I've taken to address patterns of behavior that is disrespectful and unacceptable even in a confined setting Sergeant Hornsby with Goose Creek Correctional Center has personally witnessed a shift in the prisoner population of the sort that promotes a safer community leading me to believe it was necessary to preserve freedom I utilized to save lives through ankle monitor violations. TeAna Lewis at Hiland Correctional Center is one I defended.

Mountain

(b) If you did not exhaust your state remedies on Ground Three, explain why:

I believe I have

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

As previously stated I made quite an effort to ensure all entities involved were aware of the illegalities I'm asserting in this petition

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: *letters to Sgt. Hornsby, Judge Easter, the writ of Habeas Corpus, Administrative*

Name and location of the court where the motion or petition was filed: *grievances and letters to my lawyer*

Superior Court for the State of Alaska Third Judicial District at Anchorage

Docket or case number (if you know): *3AN-21-03533CR*

Date of the court's decision: *ongoing*

Result (attach a copy of the court's opinion or order, if available):

Kyle Barber (907)334-4470 Judge Easter at the courthouse and Braden Seward should have access to the supporting documentation.

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? *I think I've exhausted my remedies to the extent available* ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state: *My access to courts is strategically interfered in more*

than one manner prohibiting me from easily determining how to respond. I hope that any failure on my part is carefully considered based on the lack of availability of due process as well as the difficulties in navigating legal structures with severe mental disabilities.

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR: I feel that my 8th Amendment Rights are violated through the excessive nature in which conditions of release are utilized for felony escape ~~convictions~~ allegations raising posted bail to include cruel and unusual circumstances for mentally disabled entities widely recognized as unstable with good intentions (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

For a minor allegation to be the cause for long periods of incarceration during which bail is posted with a requirement to comply with Pretrial Enforcement Division who state in their introductory paperwork dated April 17, 2018 on page 3 that the 4th of 5 primary objectives is a warrantless arrest and then to have the Attorney General Treg Taylor's name to appear on charging documents replacing the misdemeanor Violation of Conditions of Release to felony Escape charges is excessive and deceptive. To be considered by the court incompetent to stand trial and unable to assist in my own defense and still to be held captive on technical violations in which I am prohibited from explaining that I was actively defending those without additional protective measures is cruel because now I can't ensure my homeless friends are safe nor am I able to defend my case. The unusual manner in which prosecutorial misconduct is assisted by the judge without request from Braden Seward is confusing to me.

- (b) If you did not exhaust your state remedies on Ground Four, explain why:

I brought up these topics in the letters to Judge Easter

- (c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: I certainly made an effort to

- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: written documentation to Judge Catherine Easter

Name and location of the court where the motion or petition was filed:

Superior Court for the State of Alaska Third Judicial District at Anchorage

Docket or case number (if you know):

3AN-21-03533CR

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition? *I attempted to*

☒ Yes

☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes

☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

the court denied to file appropriately

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Four: *I sent details of my circumstances to*

American Civil Liberties Union, filed grievances with Anchorage Correctional Complex West and wrote to the Alaska Bar Association about Trey Taylor as well as a letter to him directly.

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

No I believe I've take the necessary steps to the best of my ability

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

I don't believe so, the courts seem to have no record of my petition although they have received it, copied it, forwarded it to Kyle Barber and returned the original to me which I then sent to Avril Haines with the White House because I believe these patterns of malicious prosecution to indicate a collaborated effort to exploit Alaskan citizens.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: *Kyle Mitchell Barber (907) 334-4470*

(b) At arraignment and plea: *900 West 5th Avenue Suite 200
Anchorage, Alaska 99501*

(c) At trial:

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☐ No *I am not sentenced yet*

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No *I think that this form is that filing*

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I think I should be good

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

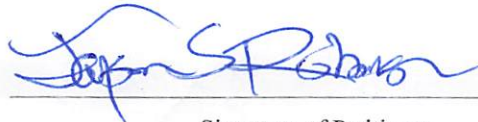
Therefore, petitioner asks that the Court grant the following relief:

to allow access to assistance for mentally disabled defendants, to adjust Alaska Statutes in psychological defenses to align with Constitutional rights and to require the Department of Corrections in Alaska and the Superior Courts in Alaska to properly file and process requests for document and petitions or any other relief to which petitioner may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on July 19th, 2023 (month, date, year).

Executed (signed) on July 19th, 2023 (date).



Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

Jayson S. Robinson #567725
Anchorage Correctional Complex-West
1300 E 4th Ave
Anch, AK 99501

THIS LETTER WAS
WRITTEN BY
AN INMATE AT AN ALASKA JAIL
PLEASE DO NOT SEND CASH IN
THE MAIL

United States District Court
222 W 7th Ave #4
Anch, AK 99513

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